

R E M A R K S

Claims 16 to 21 were rejected under 35 USC 103 as being unpatentable over US 2003/0063376 to Shimizu et al. in view of US 2003/0086145 to DeSimone et al. for the reasons set forth in item no. 2 on pages 2 to 4 of the July 18, 2007 Office Action.

Submitted concomitantly herewith is a DECLARATION UNDER 37 CFR 1.131 of the inventors Keiji SHIMIZU and Yasushi AONO, dated October 5, 2007.

With respect to Rule 116, entry of the enclosed DECLARATION UNDER 37 CFR 1.131 is respectfully requested, since the DECLARATION should serve to overcome the 35 USC 103 rejection set forth in the Office Action.

The primary reference in the 35 USC 103 rejection in the July 18, 2007 Office Action is US 2003/0063376. US 2003/0063376 has a U.S. filing date of September 23, 2002 and a U.S. publication date of April 3, 2003. The corresponding Japanese publication is JP 2003-107361, which was published on April 9, 2003.

The above-identified patent application Serial No. 10/810,183 has a U.S. filing date of March 26, 2004 and a Japanese priority date of April 4, 2003.

Since US 2003/0063376 was not published more than one year before the U.S. filing date of the above-identified patent application Serial No. 10/810,183, US 2003/0063376 is not a reference against the above-identified patent application under 35 USC 102(b).

US 2003/0063376 could qualify as a reference against the above-identified patent application Serial No. 10/810,183 under 35 USC 102(a).

The enclosed DECLARATION UNDER 37 CFR 1.131 is being filed to provide evidence of the completion of the invention of the above-identified patent application Serial No. 10/810,183 in order to remove US 2003/0063376 as a reference.

As set forth in the enclosed DECLARATION UNDER 37 CFR 1.131, prior to April 3, 2003, the invention of the above-identified patent application Serial No. 10/810,183 was conceived and reduced to practice in Japan, a WTO country, as evidenced by the documents submitted thereto and as explained therein.

It is therefore respectfully submitted that US 2003/0063376 be withdrawn as a reference and that the 35 USC 103 rejection be withdrawn.

Reconsideration is requested. Allowance is solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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Enc.: DECLARATION UNDER 37 CFR 1.131 of Keiji SHIMIZU
and Yasushi AONO, dated October 5, 2007